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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/697,519	10/30/2003	David B. Young	1092-025US01 (1778US01)	7657
28863 7590 06/24/2008 SHUMAKER & SIEFFERT, P. A. 1625 RADIO DRIVE SUITE 300 WOODBURY, MN 55125				
EXAMINER ANDERSON, FOLASHADE				
ART UNIT 3623		PAPER NUMBER		
NOTIFICATION DATE 06/24/2008		DELIVERY MODE ELECTRONIC		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

pairedocketing@ssiplay.com

### Office Action Summary

**Application No.**

10/697,519

**Applicant(s)**

YOUNG ET AL.

**Examiner**

FOLASHADE ANDERSON

**Art Unit**

3623

**Period for Reply** -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 30 October 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-66 is/are pending in the application.
- 4a) Of the above claim(s) 23-34 and 56-66 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-22 and 35-55 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB-08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

**DETAILED ACTION**

1. This is the first non-final office action in response to Applicant's telephonic election on 06/05/2008. Currently, claims 1-22 and 35-55 which were submitted on 10/30/2003 are pending. Claims 23-34 and 56-66 have been withdrawn from consideration.

***Election/Restrictions***

2. This application contains claims directed to the following patentably distinct species (I) an additional stock of inventory wares, see paragraph 0012 which details the embodiment associated with this species and (II) information collection and communication, see paragraph 0014 which details the embodiment associated with this species. The species are independent or distinct because claims to the different species recite the mutually exclusive characteristics of such species. In addition, these species are not obvious variants of each other based on the current record.

Applicant is required under 35 U.S.C. 121 to elect a single disclosed species for prosecution on the merits to which the claims shall be restricted if no generic claim is finally held to be allowable. Currently, the collection, cleaning and delivery of wares is the generic.

There is an examination and search burden for these patentably distinct species due to their mutually exclusive characteristics. The species require a different field of search (e.g., searching different classes/subclasses or electronic resources, or employing different search queries); and/or the prior art applicable to one species would not likely be applicable to another species; and/or the species are likely to raise different non-prior art issues under 35 U.S.C. 101 and/or 35 U.S.C. 112, first paragraph.

**Applicant is advised that the reply to this requirement to be complete must include (i) an election of a species to be examined** even though the requirement may be traversed (37 CFR 1.143) **and (ii) identification of the claims encompassing the elected species**, including any claims subsequently added. An argument that a

claim is allowable or that all claims are generic is considered nonresponsive unless accompanied by an election.

The election of the species may be made with or without traverse. To preserve a right to petition, the election must be made with traverse. If the reply does not distinctly and specifically point out supposed errors in the election of species requirement, the election shall be treated as an election without traverse. Traversal must be presented at the time of election in order to be considered timely. Failure to timely traverse the requirement will result in the loss of right to petition under 37 CFR 1.144. If claims are added after the election, applicant must indicate which of these claims are readable on the elected species.

Should applicant traverse on the ground that the species are not patentably distinct, applicant should submit evidence or identify such evidence now of record showing the species to be obvious variants or clearly admit on the record that this is the case. In either instance, if the examiner finds one of the species unpatentable over the prior art, the evidence or admission may be used in a rejection under 35 U.S.C. 103(a) of the other species.

Upon the allowance of a generic claim, applicant will be entitled to consideration of claims to additional species which depend from or otherwise require all the limitations of an allowable generic claim as provided by 37 CFR 1.141.

3. During a telephone conversation with Kari Bartingale, reg. no. 35,183, on 06/05/2008 a provisional election was made without traverse to prosecute the invention of method and system of cleaning wares, claims 1-22 and 35-55. Affirmation of this

Art Unit: 3623

election must be made by applicant in replying to this Office action. Claims 23-34 and 56-66 are withdrawn from further consideration by the examiner, 37 CFR 1.142(b), as being drawn to a non-elected invention.

***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1-3, 12 and 14 are rejected under 35 U.S.C. 102(b) as being anticipated by Pure & Natural Diaper Service ([www.seattlediaper.com](http://www.seattlediaper.com), published 02/02/2002).

Pure teaches in regards to claim 1 **a method of cleaning wares of a plurality of establishments, each of said plurality of establishments having a location and a set of wares, comprising the steps of:**

- **collecting said set of wares from each of said plurality of establishments** (pg. 3, see diaper pick up and delivery section, where the Examiner interrupts diapers as a type of wares);
- **delivering said set of wares, following said cleaning step, to each respective one of said plurality of establishments** (pg. 4, see diaper count section).

Pure teaches that the diapers delivered are laundered and sanitized (pg. 10) and after the first two weeks of service the customer is delivered the same number of clean items as returned spoiled items (pg. 4). While Pure does not expressly teach **cleaning said set of wares from all of said plurality of establishments following said collecting step** this step is obviously implied in the analogous environment of the cotton diapers business.

In regards to claim 2 Pure teaches **wherein said set of wares for each of said plurality of establishments are distinct** (pg. 5, where the diaper size implies a distinction in the wares type).

In regards to claims 3 and 14 Pure teaches **the step of identifying said set of wares as belonging to an individual one of said plurality of establishments** (pg. 3, see diaper pick up and delivery, Examiner interrupts labeling of bag containing the diaper with the customer's last name to incorporate the step of identifying)

In regards to claims 12 which is substantially similar to claims 1 and 2 therefore is rejected for the same reason give above with regards to these claims. Additional claim 12 recites the limitation of **maintaining an inventory of an additional set of said distinct set of wares of each of said plurality of establishments**. Pure teaches this limitation on (pg. 4, section diaper count) where the examiner understands inventory to mean replacement stock and the customer is supplied with enough diapers so that even as the soiled one are returned for cleaning he maintains the same weekly quantity (inventory) in accordance with his order.

### ***Claim Rejections - 35 USC § 103***

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.



7. Claims 4-11, 13, 15-22 and 35-55 are rejected under 35 U.S.C. 103(a) as being unpatentable over Pure & Natural Diaper Service ([www.seattlediaper.com](http://www.seattlediaper.com), published 02/02/2002) wherein referred to as Pure.

In regards to claims 4 and 15 Pure teaches **cleaning step** (pg. 10); but silent on **cleaning step is accomplished at a centralized location**. It is irrelevant to the essence of the invention whether this step is performed at a centralized or a distributed among multiple locations since the item is cleaned by Pure. However it is respectfully submitted the number of locations does not impact the method or the manner in which the method is performed.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to use a centralized location to minimize operating cost associated with multiple pick up and delivery locations in the cleaning step.

In regards to claims 5, 6, 16 and 17 Pure teaches **collecting (delivering) step is accomplished regularly** (pg. 3, see diaper pick up and delivery section, where the Examiner understands that the step of collecting and delivering are done on the same time schedule).

In regards to claims 7 and 18 Pure teach a route (pg. 3, see diaper pick up and delivery section).

Pure is silent on the **collecting step and said delivering step occurs along a route, said route having a plurality of stops, each of said plurality of stops corresponding to each of said plurality of establishments**.

Official notice is taken that is was old and well known in the art at the time the invention was made that a delivery route contain multiple drop off and pick up locations (stops) that corresponds to with multiple establishments.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to use the invention was made to use the old and well known technique of multiple stops in the disclosure of Pure to optimize resources in the step of pick up and delivery.

In regards to claims 8 and 19 Pure teaches **collecting step and said delivering step is accomplished at each of said plurality of stops along said route**. This claim is substantially similar to claims 7 and 18 respectively and is therefore rejected for the same reason given above with regards to those claims.

In regards to claims 9 and 20 Pure teaches **the step of charging each of said plurality of establishments an amount based at least partially on an amount of said set of wares cleaned in said cleaning step** (pg. 4, see, diaper count where the fee is all encompassing and thus the Examiner understands the fee to include the charge of cleaning and pg. 8 ,see second full paragraph).

In regards to claims 10 and 21 Pure teaches **comprising the step of delivering cleaning supplies to at least one of said plurality establishments** (pg. 5, see deodorizing).

In regards to claims 11 and 22 Pure teaches **step of delivering cleaning supplies and said step of delivering said set of wares occurs during a single stop**

**at least one of said plurality of establishments** (pg. 3, see diaper pick up and delivery).

In regards to claims 13 Pure teaches **the step of maintaining another additional set of distinct wares for each of said plurality of establishments** (pg. 4, section diaper count)

Pure does not expressly teach that the additional wares are **for use as a safety stock**. However the aforementioned limitation is a statement of intended use. As per MPEP 7.37.09: a recitation of the intended use of the claimed invention must result in a structural difference between the claimed invention and the prior art in order to patentably distinguish the claimed invention from the prior art. If the prior art structure is capable of performing the intended use, then it meets the claim

In regards to claims 35-55 which are direct towards the systems for implementing the methods of claims 1-22 are substantially similar to and implied in claims 1-22. Therefore claims 35-55 are reject for substantially the same reasons given above with regards to claims 1-22.

***Conclusion***

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Aldridge (US Patent 7,268,313 B1) discloses a garment processing method and system. Unifirst ([www.unifirst.com](http://www.unifirst.com), published 01/21/2002) teaches the collection, cleaning and delivery of wares.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to FOLASHADE ANDERSON whose telephone number is (571)270-3331. The examiner can normally be reached on Monday through Thursday 8:00 am to 5:00 pm EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Beth Van Doren can be reached on (571) 272-6737. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Folashade Anderson/  
Examiner, Art Unit 3623

/Beth Van Doren/  
Supervisory Patent Examiner, Art Unit 3623



